REMARKS

This paper responds to the Office Action mailed on August 14, 2006. Claims 1-8 are pending in the application. Claims 1, 2 and 4-8 have been rejected under 35 U.C.C. § 102(e) as being anticipated by U.S. Patent No. 6,976,217 to Vertaschitsch et al. ("Vertaschitsch"). Claim 3 has been rejected under 35 U.S.C. § 103(a) over Vertaschitsch in view of U.S. Patent No. 5,974,334 to Jones, Jr. ("Jones"). The Applicants respectfully traverse and request reconsideration of these rejections.

The Applicants thank the Examiner for acknowledging priority of the papers submitted under 35 U.S.C. § 119 and for placing these papers in the file. The Applicants also thank the Examiner for considering and making of record the Information Disclosure Statements submitted on July 21, 2006 and on December 1, 2006.

The Office Action rejects independent claims 1, 2, 7, and 8 under 35 § U.S.C. 102(e) as being anticipated by Vertaschitsch. All of the dependent claims ultimately depend from these independent claims. Each of the independent claims recite the following limitations: "extracting prescribed hardware information from hardware information of said portable information processing terminal by an information processor of said portable information processing terminal." The Office Action alleges that col. 2, line 64 to col. 3, line 9 anticipates these limitations. The Applicants respectfully disagree.

Indeed, nothing in Vertaschitsch teaches or suggests extracting prescribed hardware information from hardware information of said portable information processing terminal. Vertaschitsch expressly teaches the running of a telephone user interface program on a first processing device. At col. 3, lines 2-3 it teaches communicating user data and actions from the telephone user interface program. At

lines 5-9 it concludes with controlling operation of an integrated telephone device via the telephone device control program according to the user data and actions communicated, these being communicated from the telephone user interface program. Communications about user data and user actions from a telephone user interface program is not extracting prescribed hardware information – which is information about the state of the hardware itself - from hardware information of said portable information processing terminal. Hence user data and user actions, while they can affect the state of the hardware, are not prescribed hardware information. In short, there is absolutely no teaching or suggestion for extracting prescribed hardware information from hardware information of said portable information processing terminal by an information processor.

Moreover, at page 3 the Office Action argues that:

> Consider claim 2, Vertaschitsch et al. clearly show and disclose a telephone control method for a portable information processing terminal, which comprises . . . controlling prescribed hardware associated with the prescribed hardware information on the basis of the hardware information thus extracted and telephone control information of said portable information processing terminal (col. 5, lines 1-6; The PDA has interactive hardware that performs functions such as maintaining calendars, phone lists, and at least one voice or audio related function so as to be configured for use with cellular telephone capabilities of the PDA).

However, in col. 5, lines 1-6, Vertaschitsch et al. only disclose functions of the PDA and don't disclose "controlling prescribed hardware associated with the prescribed hardware information on the basis of the hardware information thus extracted and telephone control information of said portable information processing terminal."

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With respect to dependent claims 4, 5, and 6, each of these ultimately depend from claim 2, and nothing in Vertaschitsch makes up for the deficiency of the Vertaschitsch reference as applied to claim 2.

The Office Action rejects claim 3, which depends from claim 1, under 35 U.S.C. § 103(a) over Vertaschitsch in view of Jones. Jones does not cure the deficiency of Vertaschitsch as described above. Accordingly, the Applicants urges reconsideration and withdrawal of all the rejections, and further urges that all the claims are presently in condition for allowance.

In view of the above amendment, Applicants believes the pending application is in condition for allowance.

No fee is believed to be due for this Amendment. Should any fees be required, please charge such fees to Deposit Account No. 50-2215.

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Respectfully submitted,

By _/Brian M. McGuire/_
Brian M. McGuire
   Registration No.: 55,445
DICKSTEIN SHAPIRO LLP
1177 Avenue of the Americas
41st Floor
New York, New York 10036-2714
(212) 277-6500
Attorney for Applicants